

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF: LAFFEND ET AL.

CASE NO.: CR-9715 US DIV I

APPLICATION NO.: 08/849,404
(OF PARENT)GROUP ART UNIT: 1653
(OF PARENT)

FILED: CONCURRENTLY HEREWITH

EXAMINER: BUGIASKI, G.
(OF PARENT)FOR: BIOCONVERSION OF A FERMENTABLE CARBON SOURCE
TO 1,3-PROPANEDIOL BY A SINGLE MICROORGANISMDECLARATION OF BIOLOGICAL CULTURE DEPOSITAssistant Commissioner for Patents
Washington, DC 202310
Sir:

I, LINDA AXAMETHY FLOYD, declare that:

I am an attorney of record for the owner of the above-identified application.

Cultures of the following biological materials have been deposited with the following international depository:

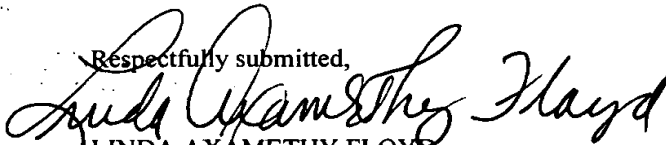
American Type Culture Collection (ATCC)
10801 University Boulevard, Manassas, VA, 20110-2209, U.S.A.

under conditions that satisfy the requirements of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. A copy of the receipt issued pursuant to Rules 7.3 and 10.2 (stating the terms of the deposit) is attached.

Depositor's Identification of Organism	International Depository Accession Number	Date of Deposit
<i>Bacillus subtilis</i> , BG2864/pM27#1	98050	May 9, 1996
<i>Streptomyces lividans</i> , SL14.2	98052	May 9, 1996
<i>Lactobacillus reuteri</i> , 23272	55767	May 9, 1996
<i>Aspergillus niger</i> , TGR40-13	74369	May 9, 1996
<i>Saccharomyces cerevisiae</i> , pMCK1/10/17(HM)#A	74370	May 9, 1996
<i>BACILLUS LICHENIFORMIS</i> , bh188/Pm26#8	98051	May 9, 1996

I further aver that all restrictions on the availability to the public of the culture will be irrevocably removed upon the granting of a U.S. patent on the above-identified application.

Respectfully submitted,


LINDA AXAMETHY FLOYD
ATTORNEY FOR APPLICANTS
REGISTRATION NO. 33,692
TELEPHONE: 302-892-8112

Dated:

22 May 2000

Enclosure: Deposit Receipts

002250" 329560

DECLARATION and POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BIOCONVERSION OF A FERMENTABLE CARBON SOURCE TO 1,3-PROPANEDIOL BY A SINGLE MICROORGANISM

the specification of which is attached hereto unless the following box is checked:

☐ was filed on _____ as U.S. Application No. _____ or PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Application No.	Country	Filing Date	Priority Claimed (Yes/No)
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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States Provisional Application(s) listed below.

U.S. Provisional Application No.	U.S. Filing Date
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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is known to me to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application No.	Filing Date	Status (patented, pending or abandoned)
08/440,293	12 May 1995	Pending
PCT/US96/06705	10 May 1996	Pending

POWER OF ATTORNEY: I hereby appoint the following attorney(s) and/or agent(s) the power to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Name: LINDA A. FLOYD	Registration No.: 33,692
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Send correspondence and direct telephone calls to:

LINDA A. FLOYD

B. I. du Pont de Nemours and Company
Legal - Patents
Wilmington, DE 19898, U.S.A.Tel. No.
(302) 992-4929

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INVENTOR(S)

Full Name of Inventor	Last Name LAFFEND	First Name LISA	Middle Name ANNE
	Signature (please sign full name): <i>Lisa Anne Laffend</i>		Date: <i>May 30, 1996</i>
Residence & Citizenship	City CLAYMONT	State or Foreign Country DELAWARE	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 2 MOUNT VERNON DRIVE	City CLAYMONT	State or Country DELAWARE
			Zip Code 19703
Full Name of Inventor	Last Name NAGARAJAN	First Name VASANTHA	Middle Name
	Signature (please sign full name): <i>Vasantha Nagarajan</i>		Date: <i>May 30, 1996</i>
Residence & Citizenship	City WILMINGTON	State or Foreign Country DELAWARE	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 13 DICKINSON LANE	City WILMINGTON	State or Country DELAWARE
			Zip Code 19807
Full Name of Inventor	Last Name NAKAMURA	First Name CHARLES	Middle Name EDWIN
	Signature (please sign full name): <i>Charles Edwin Nakamura</i>		Date: <i>May 30, 1996</i>
Residence & Citizenship	City CLAYMONT	State or Foreign Country DELAWARE	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 2 MOUNT VERNON DRIVE	City CLAYMONT	State or Country DELAWARE
			Zip Code 19703

☐ Additional Inventors are being named on separately numbered sheets attached hereto.



American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH • FAX: 301-770-2587

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Genencor International, Inc.
Attn: Cynthia Z. Wang
180 Kimball Way
South San Francisco, CA 94080

Deposited on Behalf of: Genencor International, Inc./E.I. DuPont de Nemours & Co.

Identification Reference by Depositor:

ATCC Designation

Lactobacillus reuteri, 23272

55767

The deposit was accompanied by: ___ a scientific description X a proposed taxonomic description indicated above.

The deposit was received May 9, 1996 by this International Depository Authority and has been accepted.

AT YOUR REQUEST:

X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested May 14, 1996. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey

Barbara M. Hailey, Administrator, Patent Depository

Date: May 16, 1996

cc: ☒ Lin Axiomethy Floyd
☐ Bev Bulthuis
☐ Peg Horn



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180 Kimball Way
South San Francisco, CA 94080

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Identification Reference by Depositor:

ATCC Designation

Aspergillus niger, TGR40-13

74369

Saccharomyces cerevisiae, pMCK1/10/17(HM)#A

74370

The deposits were accompanied by: ___ a scientific description X a proposed taxonomic description indicated above.

The deposits were received May 9, 1996 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested May 15, 1996. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey

Barbara M. Hailey, Administrator, Patent Depository

Date: May 16, 1996

cc: Jay Phillips
✓ Lin Axiomethy Floyd
Hua Ming Wang
Peg Horn



American Type Culture Collection

97156

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

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Identification Reference by Depositor:

ATCC Designation

Bacillus subtilis, BG2864/pM27#1

98050

Bacillus licheniformis, BH188/pM26#8

98051

Streptomyces lividans, SL14.2

98052

The deposits were accompanied by: ☐ a scientific description ☒ a proposed taxonomic description indicated above.

The deposits were received May 9, 1996 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested May 14, 1996. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey

Barbara M. Hailey, Administrator, Patent Depository

Date: May 16, 1996

cc: ☒ Lin Axiamehy Floyd
Maria Diaz-Torres
Peg Horn